

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL LEATH,

Defendant.

2:20-CR-167-JCM-NJK

Preliminary Order of Forfeiture

This Court finds Daniel Leath pled guilty to Count Seven of an Eight-Count Criminal Indictment charging him in with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Daniel Leath agreed to the forfeiture of the property set forth in the Plea Agreement and Forfeiture Allegation Two of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and Forfeiture Allegation Two of the Criminal Indictment and the offense to which Daniel Leath pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. a Charter Arms Undercover .38 caliber revolver, bearing serial number 717249;

- 1 2. a Ruger SR556 semiautomatic rifle, bearing serial number B5694317;
- 2 3. a NoDak Spud AK-47 style rifle, bearing serial number M006630;
- 3 4. a Remington Model 700 .308 caliber bolt-action rifle, bearing serial number
- 4 B6549250;
- 5 5. a Bushmaster Carbon-15 .223 caliber rifle, bearing serial number BK3032529;
- 6 and
- 7 6. any and all compatible ammunition
- 8 (all of which constitutes property).

9 This Court finds that on the government's motion, the Court may at any time enter
10 an order of forfeiture or amend an existing order of forfeiture to include subsequently
11 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
12 32.2(b)(2)(C).

13 This Court finds the United States of America is now entitled to, and should, reduce
14 the aforementioned property to the possession of the United States of America.

15 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
16 DECREED that the United States of America should seize the aforementioned property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
18 rights, ownership rights, and all rights, titles, and interests of Daniel Leath in the
19 aforementioned property are forfeited and are vested in the United States of America and
20 shall be safely held by the United States of America until further order of the Court.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
22 of America shall publish for at least thirty (30) consecutive days on the official internet
23 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
24 describe the forfeited property, state the time under the applicable statute when a petition
25 contesting the forfeiture must be filed, and state the name and contact information for the
26 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
27 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
28 the government may instead serve every person reasonably identified as a potential claimant

1 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
 2 Rule G(4)(a)(i)(A).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
 4 or entity who claims an interest in the aforementioned property must file a petition for a
 5 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
 6 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
 7 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
 8 right, title, or interest in the forfeited property and any additional facts supporting the
 9 petitioner's petition and the relief sought.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
 11 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
 12 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
 13 not sent, no later than sixty (60) days after the first day of the publication on the official
 14 internet government forfeiture site, www.forfeiture.gov.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
 16 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
 17 Attorney's Office at the following address at the time of filing:

18 Daniel D. Hollingsworth
 19 Assistant United States Attorney
 20 James A. Blum
 21 Assistant United States Attorney
 22 501 Las Vegas Boulevard South, Suite 1100
 23 Las Vegas, Nevada 89101.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
 25 described herein need not be published in the event a Declaration of Forfeiture is issued by
 26 the appropriate agency following publication of notice of seizure and intent to
 27 administratively forfeit the above-described property.

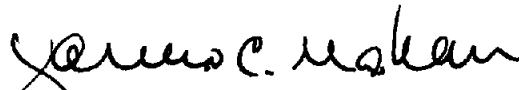
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED July 25, 2021.
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7 JAMES C. MAHAN
8 UNITED STATES DISTRICT JUDGE
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